

Tuesday, March 26th, 2019

In re: Gottesfeld v. Harris et al. (18-cv-10836)

Dear Honorable Judge Gardolph,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

DOC#:

DATE FILED: 4-2-19

I, Martin S. Gottesfeld, declare under the oath of my knowledge, information, and belief on this 26th day of March, 2019:

1. First, I apologize for the informality and the rush in the composition of this filing. Days matter in the SHU and I very much want for this to make tonight's mail. I also regret that this filing is composed in pencil and that it will be double-sided. I hope that Your Honor will understand given the circumstances and I apologize to the Clerk of Court for any inconvenience involved in scanning double-sided pages.

2. I obviously have not seen the government's recent ex parte filing, but I find it a distinct possibility that from the government's preliminary response, filed on March 26th, and the ex parte filing, that Your Honor may have been led to believe incorrectly that today I was both transferred to Terra Haute, Indiana, and that I am no longer in a Special Housing Unit (SHU), when in reality I was moved to the Federal Transfer Center in Oklahoma City, Oklahoma, and summarily thrown in the SHU there, once again without a written administrative detention order and without an administrative detention hearing. This continues the behavior I encountered at MCC New York.

3. I was distinctly aware of the possibility that this would happen as I am no stranger to the federal transfer process. Today was my seventh transfer between facilities and my third flight on "Co Air." It is rare for inmates to travel directly between far-away facilities like MDC Brooklyn and Terra Haute and far more common for us to journey through hubs like the Federal Transfer Center in Oklahoma. However, it was impossible for me to get notification of this far-more-probable-than-not scenario to Your Honor in time to prevent my placement in the SHU here in Oklahoma from my previous disadvantaged position in the SHU in Brooklyn.

4. The government can file electronically. I cannot. On the other side, the government receives immediate ECF notification of my filings as soon as they are checked while I only learn of my opponent's filings many days later when I'm in the SHU. The government can then respond to my filings very quickly while the delay on my end is two-fold: first the delay before I learn of the government's filing then the delay before my response reaches the courthouse by mail and is filed. And perhaps four-fold if Your Honor wants that the government can use a word processor while I must handwrite and then hand copy documents while I'm in the SHU. Regular phone calls with my team help to reduce this delay.

5. This afternoon, when the plane landed at the gate at FTC Oklahoma, my name was the second to be called to debark into the facility. It is a distinct distinction to be one of the

first names on that list as it most often signifies presumptive placement in the SHU.

6. Sure enough, as I gave my name and ID number to staff before exiting the cabin one of them repeated, "Gottesfeld, CMU." I remained separated from most of the rest of the crowd thereafter. Following the many-hour-long intake process, it was further reiterated to me that my designation to the CMU at Terra Haute meant that I would be put in the SHU in Oklahoma. I also learned that one must be in the SHU for thirty (30) days in Oklahoma before one qualifies for a social call. So, I am unable to update my wife and the public regarding this situation in a timely manner.

7. This situation further demonstrates that Mr. Horvitz - and not any particular warder - is the appropriate party on which to seek injunctive relief, as well as the problems with the government's interpretation of the motion for injunctive relief as a petition under 28 U.S.C. § 2241. And I would like to be heard on these issues.

8. Indeed, I feel that I could (and likely should) amend my complaint in the instant case to reflect the developments which have occurred since February 15th, 2019, when I was transferred back to MDC Brooklyn. However, I must ask The Honorable Court for sufficient time to do so as once again, my legal work and I have been separated (though unlike last time, I do expect to receive it on the other side of this transfer).

9. For the record, I was in general population here in Oklahoma in 2016 before being placed in general population in MDC Brooklyn that year. Again, there were no issues with me at either Facility while I was in the SHU.

10. This additional time in the SHU will likely delay my service of process on the defendants of my recent filings. Although, I do hope that when my team sees this on the docket, they will contact the pro se Clerk's Office for instructions on how to serve process on my behalf of this and other filings.

11. I sent important legal mail to the Pro Se Clerk's Office from MDC Brooklyn yesterday. If it hasn't yet arrived, then I would ask The Honorable Court to order the Clerk of Court to inquire with MDC Brooklyn as to its whereabouts. I believe that Your Honor will understand when Your Honor sees it.

12. Should Your Honor ever want an update on my status, then I would like to request, respectfully, to have my voice heard alongside counsel for the government.

13. I also want to ask The Honorable Court for time to amend my complaint to add my wife as a named plaintiff, whose right to marital consortium with her husband is being violated continually by the defendants.

14. In the SHU in Oklahoma, my supply of writing paper is limited and I am

only given pencils - no pens. However, if necessary, I will gladly swear that this affidavit was true and accurate to the best of my knowledge, information, and belief at the time which I signed it.

25. Finally, I would like to update the docket to reflect my current address:

Martin Gottesfeld

Reg # 16982-101

Federal Transfer Center

P.O. Box 898801

Oklahoma City, OK 73189-8801

Thank You.

Signed under penalty of perjury,



Martin S. Gottesfeld, pro se

RECEIVED
SDNY PRO SE OFFICE
2019 APR -2 PM 12:40
S.D. OF N.Y.

RECEIVED
SOUTHERN DISTRICT OF NEW YORK

2019 APR -2 PM 12:40

S.D. OF N.Y.

NAME: John S. Gotsfeld
REG# 12982-404
FEDERAL TRANSFER CENTER
P.O. BOX 898801
OKLAHOMA CITY, OK 73189-8801

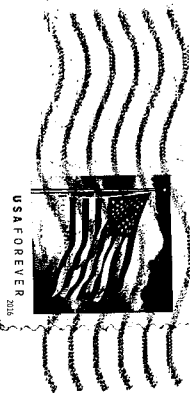
U.S. District Court for the
Southern District of New York
Pro Se Clerk's Office
500 Pearl St.
New York, NY 10007

10007-133059



US 1p3
SDNY

OKLAHOMA CITY OK 733
29 MAR 2019 PM 5 L



Special Mail - Open Only In the Presence of the Inmate

In accordance with Bureau of Prison policy regarding "Special Mail" this correspondence was sealed by the inmate and was not inspected for content prior to mailing. If correspondence contains offensive, threatening, or other unwanted material, please return it to the address listed below so appropriate action may be taken.

Federal Transfer Center
Attn: SIS Office
Oklahoma City, OK 73189

Legal Documents For Filing